

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE, INC.,

Plaintiff,

v.

AIMJUNKIES.COM, et al.

Defendants.

No. 2:21-cv-811

**PLAINTIFF BUNGIE, INC.'S
REPLY IN SUPPORT OF ITS
MOTION TO AMEND JURY
TRIAL DATE AND RELATED
DEADLINES**

NO ORAL ARGUMENT
REQUESTED

NOTED: September 15, 2023

PLAINTIFF'S REPLY ISO
MOTION TO AMEND CASE SCHEDULE

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I. ARGUMENT

The Court should grant Bungie’s Motion to Amend the Case Schedule (“Motion,” Dkt. 195) and extend the current trial date and related case deadlines by 120 days. As explained in the Motion, good cause exists because resolution of Bungie’s still-pending motion for spoliation sanctions, the deferred portion of Bungie’s motion for summary judgment, and forthcoming discovery and motion practice related to Defendants’ substitute expert witness all could materially narrow the issues for trial, resulting in resource-saving efficiencies for not just Bungie, but also Defendants and the Court. *Id.*

Defendants’ Response (Dkt. 196)—replete with straw-man arguments and gratuitous *ad hominin* attacks—quarrels with everything except the modest arguments in the Motion. Of Defendants’ numerous misstatements, their claim that Bungie is seeking to avoid “its day in court” because it is “not [] prepared for trial” is particularly egregious. Dkt. 196. Bungie did not argue that it was (and it is not) unprepared for trial in December 2023. To the contrary, the purpose of the Motion was to reduce inefficiencies inherent in proceeding to trial with two pending and potentially claim dispositive motions before the Court as well as other motions and potentially issue-dispositive activities (not to mention, Defendants’ pending Ninth Circuit appeal of the Court’s confirmation of the arbitration award, which includes findings of fact that are binding insofar as those same facts are relevant to Bungie’s trademark and copyright claims). Getting resolution of these matters before trial would promote efficiencies by narrowing the issues to the benefit of *all involved*—Bungie, Defendants, and the Court.

II. CONCLUSION

For the reasons contained in Bungie’s Motion as well as those set forth above, the Court should grant a 120-day extension of the trial date and related deadlines.

I certify that this reply contains 288 words, in compliance with the Local Civil Rules.

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2 Dated: September 15, 2023

By: /s/ William C. Rava

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